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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,389	04/09/2001	Andreas Hartinger	2000 P 08547 US	1707
7470	7590	09/21/2004	EXAMINER	
WHITE & CASE LLP PATENT DEPARTMENT 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036			SON, LINH L D	
		ART UNIT	PAPER NUMBER	
		2135		

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/829,389	HARTINGER ET AL.
	Examiner	Art Unit
	Linh Son	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 April 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
  - 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/02/2002.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

This is an Examiner's Detailed Action responding to the Preliminary received on April 9<sup>th</sup>, 2001. Examiner considers the cancellation of claims 1-9 and the corrections made to the specification.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-11, 13-17, 19, 21, 23, and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pearce et al, US Patent No. 6243468B1, hereinafter "Pearce".

As per claims 10 and 26-28, Pearce discloses a method for determining authorization to use a software component of a computer system, the method comprising the steps of:

- a. "***accessing a unique hardware identification code of a computer-readable data medium hardware component of the system***" is taught by Pearce in (Col 5 line 67 to Col 6 line 1),

- b. "accessing license information for the software component" is taught by Pearce in (Col 5 lines 30-49);
- e. "generating an identification number from the hardware identification code and the license information by means of an encoding algorithm, and" is taught by Pearce in (Col 6 lines 37-47)
- d. "*transmitting the identification number to the computer system on which the software component runs*" is taught by Pearce in (Col 6 lines 49-54).

3. As per claim 11, "the method according to claim 10, wherein additional information is used by the encoding algorithm to generate the identification number" is taught by Pearce in (Col 5 line 57 to Col 6 line 3).
4. As per claim 13, "the method according to claim 10, wherein at least one identification number is stored in a readable and writeable area of the data medium" is taught by Pearce in (Col 6 lines 53-55).
5. As per claim 14, "the method according to claim 10, wherein additional information may be stored on the data medium" is taught by Pearce in (Col 4 lines 58-67).
6. As per claim 15, "the method according to claim 14, wherein the additional data stored on the data medium comprises at least one element selected from the group

consisting of license information, licensor identification, and software programs" is taught by Pearce in (Col 5 lines 30-38).

7. As per claim 16, "the method according to claim 10, wherein the data medium comprises a component of the computer system" is taught by Pearce in (Col 4 lines 58-67)[Operating System].

8. As per claim 17, "the method according to claim 10, wherein the data medium comprises a memory card" is taught by Pearce in (Col 4 lines 54-55).

As per claim 19, "the method according to claim 10, wherein the data medium comprises a key (ID) which contains information" is taught by Pearce (Col 6 lines 52-55, and Col 4 lines 54-55).

9. As per claim 21, "the method according to claim 10, wherein the computer system comprises a control unit" is taught by Pearce in (Col 4 lines 27-48).

10. As per claim 23, "the method according to claim 10, wherein checking for unauthorized use of the software component is performed during startup of the software component" is taught by Pearce (in Col 6 line 59 to Col 7 line 12).

11. As per claim 29, "an identifier for use in determining authorization to use a software component of a computer system, the identifier generated according to the method of claim 28" is taught by Pearce in (Col 7 lines 1-13).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 12, 18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce.

14. As per claim 12, "the method according to claim 10, wherein a plurality of identification numbers can be generated for one hardware identification code" is not clearly taught by Pearce. Nevertheless, it is clearly that the same method can be applied to register many software programs installed in the customer computer. The same hardware code can be implemented to generate the registration ID or Key to install the software (Col 4 lines 10-20, lines 58-60, Col 5 lines 30-39, and Col 6 lines 48-58). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art that the identification numbers or registration ID can be acquired for plurality of software programs installed in the customer computer.

15. As per claim 18, “the method according to claim 17, wherein the memory card comprises a multimedia card” is not taught by Pearce. Nevertheless, Pearce does include multimedia software programs and contents running on the computer (Col 4 lines 10-26). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to implement the memory card for multimedia licensing service.

16. As per claim 24, “the method according to claim 10, wherein checking for unauthorized use of the software component is performed periodically during use of the software component” is not clearly taught by Pearce. Nevertheless, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to implement the checking for unauthorized use periodically to make sure that the user has not inadvertently left the station without closing software and at the same taken the memory card away.

**17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce In view of Pavlin et al, US Patent No. 6523119B2, hereinafter “Pavlin”.**

18. As per claim 20, “the method according to claim 19, wherein the key comprises a dongle” is not taught by Pearce. Nevertheless, Pavlin does teach a method of protecting software using a dongle, which hold the licensing information (Col 4 line 45).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to incorporate the dongle to storing the software license so a any user with the authorized license information can access the software conveniently. Further, the same dongle can be utilized in other computers.

**19. Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce In view of Yee et al, US Patent No. 5781723, hereinafter “Yee”.**

20. As per claim 22, “the method according to claim 10, wherein the identification number is checked by means of a decoding algorithm” is not taught by Pearce. Pearce teach only the generating of the registration key using a hash result of the hardware ID and the software license to encode a registration key (Col 7 lines 1-14). The hash result is not possible to decode the input information. Nevertheless, there are different methods of encoding the registration key, for instance of implementing a public key encryption algorithm to the information. The information in the key can be checked easily by decrypting the key and review the information. The method is taught clearly by Yee in (Col 8 line 63 to Col 9 line 36)[The certificate is the license key and it is encrypted using the private key of certificate the authority. The verifier party can decrypt the certificate by using the CA’s public key]. Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to implement the public key encryption algorithm to encrypt the registration ID to provide a

mechanism to view the encrypted information for recovering purpose and authenticate the hardware that the software is running on.

21. As per claim 25, Claim 10 is incorporated. Further, Pearce teach a method of checking the registration ID to be valid on the medium on which the software component is running on by re-generating the same registration ID using the hash encoding result of the hardware ID and the software registration ID in its memory. The comparison result would either allow the software access or not (Col 7 lines 1-14). However, Pearce does not teach the decoding the coded registration ID or license to verify the encode information since the hashing result is not reversible. Nevertheless, Nevertheless, there are different methods of encoding the registration key, for instance of implementing a public key encryption algorithm to the information. The information in the key can be checked easily by decrypting the key and review the information. The method is taught clearly by Yee in (Col 8 line 63 to Col 9 line 36)[The certificate is the license key and it is encrypted using the private key of certificate the authority. The verifier party can decrypt the certificate by using the CA's public key]. Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to implement the public key encryption algorithm to encrypt the registration ID to provide a mechanism to view the encrypted information for recovering purpose and authenticate the hardware that the software is running on.

### **Conclusion**

1. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (703)-305-8914.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (703)-305-4393. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-9600.
3. Please notice. Due to the Office moving, the telephone numbers above will only be valid until October 15<sup>th</sup> of 2004. After that, the follow list of numbers will be valid:

Examiner: (571) 272-3856.

Kim Y. Vu: (571) 272-3859

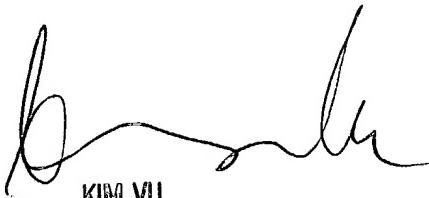
Receptionist : (571) 272-2100

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR.I system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzs>

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Linh LD Son**

**Patent Examiner**



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